



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 1563-00

25 July 2000

[REDACTED]

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 18 July 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Marine Corps on 28 December 1979 at the age of 20. Your record reflects that you served for nearly a year without incident but on 2 October 1980 you received nonjudicial punishment (NJP) for failure to go to your appointed place of duty. The punishment imposed was forfeitures totalling \$350 and reduction to paygrade E-1.

On 21 April 1981 you received NJP for possession and use of marijuana and were awarded a \$200 forfeiture of pay and correctional custody for 20 days. On 29 April 1981 you received NJP for failure to go to your appointed place of duty. The punishment imposed was forfeitures totalling \$100. You received your fourth NJP on 4 August 1981 for absence from your appointed place of duty and were awarded a \$150 forfeiture of pay.

Your record further reflects that on 31 August 1982 you were convicted by civil authorities of driving while intoxicated, reckless driving, and driving without a valid license. You were sentenced to a \$360 fine or confinement for 30 days. On 30

September and again on 21 October 1982 you received NJP for driving under the influence of alcohol and two specifications of failure to go to your appointed place of duty.

Subsequently, you were processed for an administrative separation by reason of misconduct due to frequent involvement of a discreditable nature with military and civilian authorities. Your commanding officer recommended you be issued an other than honorable discharge by reason of misconduct due to frequent involvement of a discreditable nature with military and civilian authorities. The discharge authority approved this recommendation and directed your commanding officer to issue you an other than honorable discharge. On 21 March 1983 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, good post service conduct, letter of character reference, and your contention that you would like your discharge upgraded. The Board also considered your contention that the offenses for which you were separated did not merit an other than honorable discharge, and your father's contention that a good conduct medal and a less than honorable discharge for the same period of service seems to be inconsistent. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the serious nature of your frequent drug and alcohol related misconduct in both the military and civilian communities. Further, there is no evidence in the record, and you submitted none, to support the contention that you received good conduct medal. Further, the notation on your Certificate of Discharge or Release from Active Duty (DD Form 214), does not show that you received a good conduct medal, but only states the starting date for the next period for that award. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director